STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JOHN HALL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LESTER VEACH, JR.,

Respondent-Appellant.

UNPUBLISHED
May 24, 2005

No. 258922
Macomb Circuit Court
Family Division
LC No. 04-056693-NA

Before: Murphy, P.J., and White and Smolenski, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (j), and (m). We affirm.

Respondent initially argues that the trial court made insufficient efforts to locate him and notify him of the proceedings, and that the court erred in assuming jurisdiction. We disagree. Until he established paternity, respondent was a "putative father" within the meaning of MCR 3.903(A)(23) and MCR 3.921(C). He was not a "father" under MCR 3.903(A)(7), or a "party," MCR 3.903(A)(18), "parent," MCR 3.903(A)(17), or "respondent," MCR 3.903(C)(10); MCR 3.977(B), as defined in the court rules. Thus, respondent was not entitled to notice of the proceedings until he established paternity in August 2004. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001); *In re Gillespie*, 197 Mich App 440, 442-446; 496 NW2d 309 (1992). In any event, respondent found out about the proceedings and attended the hearings beginning with a pretrial on June 16, 2004. He was represented by counsel at the next pretrial on July 15 and at the termination hearing on October 15, 2004. We find no prejudicial error.

We also find no error in the trial court's assumption of jurisdiction over the child. The parents were allegedly homeless and unemployed, and the mother had a substance abuse problem. Further, respondent voluntarily had his rights to another child terminated in 2003, and his wife had had her rights to that child and two others terminated on grounds of neglect. These facts were more than sufficient to confer jurisdiction under MCL 712A.2(b). See *In re Powers*, 208 Mich App 582, 588-593; 528 NW2d 799 (1995).

Further, the trial court did not clearly err in finding the statutory ground for termination under MCL 712A.19b(3)(m) established by clear and convincing evidence. MCR 3.977(E)(3); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *Powers, supra* at 588-593. Only one statutory ground is required to terminate parental rights. *In re SD*, 236 Mich App 240, 247; 599 NW2d 772 (1999). In 2003, respondent voluntarily relinquished his rights to a child, Jasimane Sanchez, on the day of trial during proceedings to terminate his and his wife's parental rights. Thus, the elements of subsection (m) were satisfied and respondent's parental rights to John were properly terminated. The statute contains no exception for changed circumstances. Having found sufficient evidence under subsection (m), we need not reach the question of evidentiary sufficiency under subsections (g) and (j).

Finally, respondent argues that termination of his parental rights were clearly contrary to John's best interests. We disagree. The record showed that respondent saw his son only once, at a distance at the time of his paternity test. There was no bond that would be severed by terminating respondent's parental rights to the child. Further, respondent shared a home with his wife Lisa, whose rights to three children were terminated due to neglect. The child needs a permanent, safe, stable home, which respondent is unable to provide. Consequently, the trial court did not clearly err in its ruling on the best interests issue. MCL 712A.19b(5); *Trejo, supra* at 356-357.

Affirmed.

/s/ William B. Murphy
/s/ Helene N. White
/s/ Michael R. Smolenski